IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 721 OF 2005

K.V. Thoman .. Appellant

Vs.

V.C. Mammachan and anr. .. Respondents

None for the appellant.

CORAM: B.H. MARLAPALLE, J.

Date : July 01, 2005.

P.C.:

. In S.C. Suit No.1542 of 1989 Notice of Motion registered as Notice of Motion No.1180 of 1989 was taken out for temporary injunction. By the impugned order dated 25/3/1991 the said Notice of Motion was made absolute in terms of prayer clause (a), which reads as under:-

> (a) That pending the hearing and final disposal of the suit, the defendant his servants, agents, representative or any person or persons claiming through him or under him be restrained by an order and Injunction of this Hon'ble Court from dispossessing the Plaintiffs from the suit premises and suit business viz. 98, Maxim Restaurant, Shell Colony, Chembur, Bombay 400 072, or any portion thereof or disturbing the plaintiffs' possession in respect of the suit business and

business premises except by due process of law.

. This appeal was pending for about more than 15 years as the Civil Application for condonation of delay remained without any orders on the file of this court but there was no stay granted to the operation of the impugned order during all these years. It is not known whether S.C. Suit No.1542 of 1989 is still pending. In any case there is no reason to entertain this appeal after about 14 years from the time the impugned order was passed.

. The appeal is, therefore, dismissed as infructuous.

(B.H. Marlapalle,J.)